New claims 24-28 have been added. Support for new claims 24-28 exists, *inter alia*, at page 5, lines 15-20.

Claims 1-28 are currently pending, although claims 17 and 21 have been withdrawn from consideration.

REMARKS

The pending claims relate to water-in-oil (W/O) emulsions containing a polyolefinic emulsifier having a polar component and a polyolefinic apolar component comprising at least 40 carbon atoms.

As noted in the present specification, W/O emulsions are desirable in the cosmetic and dermatological fields because such emulsions possess desirable properties such as, for example, forming a lipid film on skin after application to inhibit transepidermal water loss, to protect skin from external attacks and to increase the persistence of sunscreen agents, as well as protecting and carrying hydrophilic active agents sensitive to oxidation. (Page 1, lines 10-17). However, W/O emulsions have two major problems: (1) they generally are difficult to apply and lack cosmetic pleasantness upon application (that is, they feel heavy and greasy); and (2) they lack stability, particularly when the aqueous phase is substantial or when the emulsion is fluid. (Page 1, line 18 through page 2, line 8).

The presently claimed invention addresses such problems associated with W/O emulsions. Specifically, the claimed invention provides W/O emulsions containing a polyolefinic emulsifier having a polar component and a polyolefinic apolar component comprising at least 40 carbon atoms. Utilizing the claimed polyolefinic emulsifier yields W/O emulsions having beneficial and desirable characteristics such as having a light and fresh feel upon application as well as possessing good stability, even when the aqueous phase

of the emulsion is large or the emulsion is fluid. As such, the presently claimed invention represents an advance in the art deserving of patent protection.

In view of this background, each of the objections and rejections made in the outstanding Office Action will be addressed in turn.

RESPONSE TO RESTRICTION REQUIREMENT

Applicants confirm their election with traverse to prosecute the invention of Group I and the emulsifier species of Lubrizol® 2724. Applicants also note that the Office Action has indicated that the Examiner's search has been extended to include polyisobutene maleic polymers, and that Group IV has been joined with Group I for examination.

Applicants' traversal of the restriction/election requirement is based at least in part on the fact that the methods of claims 17 and 21 cannot be practiced without the compositions of claims 16 and 1, respectively. Applicants intend to seek rejoinder of appropriate claims upon indication of allowable subject matter in this case.

OBJECTION TO DRAWINGS

The Office Action objected to Figures 1 and 2. Submitted concurrently herewith are a Letter To Official Draftsman and corrected Figures 1 and 2 accompanying the Letter. In view of this submission, Applicants respectfully submit that the objection to Figures 1 and 2 has been rendered moot and should be withdrawn.

REJECTIONS UNDER 35 U.S.C. §112

The Office Action has rejected claims 1-16, 18-20, 22 and 23 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully submit that the above non-

limiting amendments have rendered these rejections moot. Accordingly, Applicants respectfully request that the rejections under § 112 be withdrawn.

REJECTIONS UNDER 35 U.S.C. §§102 AND 103

The Office Action has rejected claims 1, 4-9, 11-16, 18-20, 22 and 23 under 35 U.S.C. § 102 as anticipated by U.S. patent 4,708,753 ("Forsberg I") and claims 1-7, 9, 11-16, 18-20, 22 and 23 as anticipated by U.S. patent 5,401,341 ("Forsberg II"). The Office Action has also rejected claims 1-16, 18-20, 22 and 23 under 35 U.S.C. § 103 as obvious over Forsberg I and Forsberg II. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of these rejections.

Forsberg I and Forsberg II disclose explosive and/or acidic compositions which, by definition, cannot be applied to skin. In other words, the disclosed compositions are not physiologically acceptable. In contrast, the claimed invention can be --and, indeed, is intended to be-- applied to skin without risk of harm or injury. That is, the present invention requires that the subject compositions be ***physiologically acceptable***. Thus, neither Forsberg reference anticipates the claimed physiologically acceptable invention. Accordingly, Applicants respectfully request that the rejections under § 102 be withdrawn.

Moreover, neither Forsberg reference provides any teaching, guidance or motivation to modify the disclosed acidic/explosive compositions to obtain a physiologically acceptable composition. One skilled in the art, seeking to obtain a safe and effective composition to be applied to skin, would not be motivated by either Forsberg reference to modify the disclosed harmful compositions to yield the desired safe and effective product. Clearly, the Forsberg references, alone or in combination, do not suggest the claimed invention. Accordingly, Applicants respectfully request that the rejection under § 103 be withdrawn.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Richard L. Treanor
Registration No. 36,379

Jeffrey B. McIntyre
Registration No. 36,867

22850

Phone #: (703) 413-3000
Fax #: (703) 413-2220

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Marked-Up Copy
Serial No: 09/903,606
Amendment Filed on:
May 28, 2002

IN THE CLAIMS

1. (Amended) A physiologically acceptable composition, comprising:

[in a physiologically acceptable medium,] an aqueous phase dispersed in an oily phase, and [by means of] an oligomeric or polymeric emulsifier [of at least one oligomer or one polymer derived from a polyolefin,] comprising i) a polyolefinic apolar component comprising at least 40 carbon atoms and ii) at least one polar component.

4. (Amended) The composition according to Claim 1, wherein the [oligomer or polymer derived from a polyolefin] emulsifier reduces the interfacial tension between the aqueous phase and the oily phase of the emulsion by at least 10 mN/m when said [oligomer or polymer] emulsifier is present at a concentration of 0.01 % by weight relative to the weight of the oily phase.

5. (Amended) The composition according to Claim 1, wherein the polar component of the emulsifier is anionic, cationic, nonionic, zwitterionic or amphoteric [in character].

6. (Amended) The composition according to Claim 5, wherein the polar component of the emulsifier is selected from the group consisting of polyalkylene glycols, polyalkyleneimines, carboxylic acids, [or] dicarboxylic acids, anhydrides [or derivatives thereof,] and mixtures thereof.

7. (Amended) The composition according to Claim 6, wherein the polar component of the emulsifier is selected from the group consisting of polyoxyethylene, succinic acid [or] and anhydride [and derivatives thereof].

8. (Amended) The composition according to Claim 1, wherein the emulsifier [oligomer or polymer derived from a polyolefin] is prepared by the reaction of a polyolefin [derivative] compound and at least one acid selected from the group consisting of maleic acid, maleic anhydride, fumaric acid, itaconic acid, citraconic acid, mesaconic acid, aconitic acid [, derivatives thereof] and mixtures thereof.

10. (Amended) The composition according to Claim 8, wherein the emulsifier is the product of the reaction of [malefic] maleic anhydride with polyisobutylene.

11. (Amended) The composition according to Claim 1, wherein the amount of emulsifier present [quantity of emulsifying oligomer(s) or polymers)] ranges from 0.1 % to 10% by weight [of active substance] relative to the total weight of the emulsion.

16. (Amended) A physiologically acceptable cosmetic emulsion composition, comprising:

[in a physiologically acceptable medium,] an aqueous phase dispersed in an oily phase, and [by means of] an oligomeric or polymeric emulsifier [of at least one oligomer or one polymer derived from a polyolefin,] comprising i) a polyolefinic apolar component comprising at least 40 carbon atoms and ii) at least one polar component.

19. (Amended) A method of manufacturing a physiologically acceptable cosmetic W/O emulsion composition, comprising;

combining a physiologically acceptable aqueous medium in an amount such that water component of the cosmetic composition is at least 30% by weight of water relative to the total weight of the composition and an oily phase in the presence of at least one [oligomer or one polymer derived from a polyolefin] oligomeric or polymeric emulsifier comprising i) a polyolefinic apolar component comprising at least 40 carbon atoms and ii) at least one polar component.

Claims 24-28 (New)